

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES ELLIS CROCKETT,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. 3:24-cv-05640-TL-TLF

ORDER STRIKING MOTIONS FOR
RELIEF FROM JUDGMENT

This matter is before the Court on Petitioner James Ellis Crockett's Motions for Relief from Judgment. Dkt. Nos. 13, 14. Petitioner moves the Court under Federal Rule of Civil Procedure 60(b)(4) to vacate the judgment entered in this matter. *See* Dkt. No. 13 at 2; Dkt. No. 14 at 2.

However, on November 8, 2024, Petitioner filed a notice of appeal with the Ninth Circuit, appealing the judgment. Dkt. No. 10. The notice was filed weeks before either of the present motions, which were filed on December 18 and 20, respectively. The two motions are identical

1 except for different references to the docket number¹ for the judgment and different dates on
2 which the motions were signed.

3 “Once a notice of appeal is filed, the district court is divested of jurisdiction over the
4 matters being appealed.” *Nat. Res. Def. Council, Inc. v. Sw. Marine Inc.*, 242 F.3d 1163, 1166
5 (9th Cir. 2001). The Court retains only limited jurisdiction to maintain the status quo pending the
6 appeal. *See id.* The relief Plaintiff seeks through his motions is also the subject of his appeal and
7 is beyond the Court’s limited jurisdiction to maintain the status quo.

8 Accordingly, Petitioner’s motions (Dkt. Nos. 13, 14) are STRICKEN, as the Court does not
9 have jurisdiction to rule on the motions.

10 Dated this 2nd day of January 2025.

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Tana Lin
13 United States District Judge
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24 ¹ The motion at Docket Number 13 correctly references the Judgment at Docket Number 9 while the motion at
Docket Number 14 references a judgment at Docket Number 14. *Compare* Dkt. No. 13 at 1 *with* Dkt. No. 14 at 1.